

HOUSE No. 38

Accompanying the eighth recommendation of the Executive Office of Public Safety and Security
(House, No. 30). The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine.

AN ACT RELATIVE TO THE DEFINITION OF STATE PRISON.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the
authority of the same, as follows:*

1 SECTION 1. Section 58 of chapter 119 of the General Laws, as appearing in the 2006
2 Official Edition, is hereby amended by striking out the words “the Massachusetts Correctional
3 Institution, Cedar Junction, prior to his seventeenth birthday” in lines 71 and 72, and inserting in
4 place thereof the following words:- any maximum security state correctional facility prior to his
5 seventeenth birthday unless the commissioner of correction determines that no less restrictive
6 placement would ensure protection of the public, correctional staff, said person or others

7 SECTION 2. Section 72B of chapter 119, as so appearing, is hereby further amended by
8 striking out the words “the Massachusetts Correctional Institution, Cedar Junction, prior to his
9 seventeenth birthday” in lines 28 through 30, and inserting in place thereof the following words:-
10 any maximum security state correctional facility prior to his seventeenth birthday unless the
11 commissioner of correction determines that no less restrictive placement would ensure protection
12 of the public, correctional staff, said person or others

13 SECTION 3. Section 1(o) of chapter 125, as so appearing, is hereby amended by striking out
14 the words “Massachusetts Correctional Institution, Cedar Junction” in lines 37 and 38, and
15 inserting in place thereof the following words:- a state correctional facility; a sentence to “state
16 prison” or “the state prison” otherwise provided by law shall be executed in any state correctional
17 facility in the commonwealth

18 SECTION 4. Section 49B of chapter 127, as so appearing, is hereby amended by striking out
19 the words “in the maximum security section at the Massachusetts Correctional Institution at
20 Cedar Junction” in lines 2 and 3, and inserting in place thereof the following words:- in a
21 maximum security correctional facility

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22 SECTION 5. Section 97 of said chapter 127, as so appearing, is hereby amended by striking
23 out the words “except the state prison” in line 6.

24 SECTION 6. Section 4 of chapter 279, as so appearing, is hereby amended by striking out
25 the words “the state prison” in line 11, and inserting in place thereof the following words:- the
26 state correctional facility in which he is confined

27 SECTION 7. Section 60 of chapter 279, as so appearing, is hereby amended by striking out
28 the words “the state prison” in line 7, and inserting in place thereof the following words:- a state
29 correctional facility designated by the commissioner of correction

30 SECTION 8. Section 60 of chapter 279, as so appearing, is hereby further amended by
31 striking out the words “the state prison” in line 9, and inserting in place thereof the following
32 words:- such designated correctional facility.